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Chapter 2 **Departmental Equipment**

POLICY AND PROCEDURE **BODY-WORN CAMERAS**

I. PURPOSE

- A. The purpose of this policy is to set standards related to the use, management, storage and retrieval of digital multimedia video files stored on or generated from the use of department issued body-worn cameras, including but not limited to:
1. Creating video and audio records to contribute to the accurate documentation of critical incidents, police-public contacts, crime and accident scenes, and arrests;
 2. Preserving visual and audio information for use in current and future investigations in accordance with applicable guidelines referenced herein;
 3. Capturing crimes-in-progress, whether committed against the police officer or the community, and to preserve evidence for presentation in court;
 4. Documenting police response to an incident;
 5. Aiding in the documentation of victim, witness or suspect statements pursuant to an on-scene response;
 6. Documentation of the advisement of rights, and consents to conduct a lawful search, when applicable.
- B. **The purpose of equipping police officers with body-worn cameras is to assist in the following:**
1. Strengthening police accountability by documenting incidents and encounters between officers and the public;
 2. Resolving officer-involved incidents and complaints by providing an objectively independent record of events;
 3. Improving agency transparency by allowing the public to see video evidence of police activities and encounters in accordance with applicable laws regarding public disclosure;

4. Identifying and strengthening officer performance by using video footage for officer training and monitoring when appropriate and consistent with the law;
5. Improving evidence documentation for investigation, prosecutions, and administrative reviews of employee performance and/or civil actions.

II. POLICY

1. All department issued body-worn camera equipment and media associated with the body-worn cameras, data, images, video/audio and metadata captured, recorded, or otherwise produced by the body-worn camera shall not be viewed, copied, released, disclosed, or disseminated in any form or manner outside the parameters of this policy and in accordance with the department's freedom of information (FOI) policy and practice.
2. This policy does not apply to or limit the use of in-car audio/video recording systems.
3. This policy does not govern the use of surreptitious/covert recording devices used in undercover operations.

III. DEFINITIONS

Body-Worn Camera (BWC): A body-worn camera is a video and audio recording system that is worn on the body of a police officer to capture digital multimedia recordings as an additional means of documenting specific incidents in the course and scope of the officer's duties.

Digital Multimedia Video Files (DMVF): Digital multimedia files consist of all digital recordings to include, but not limited to, audio, video, photographs, and their associated metadata. Metadata includes any digital identifiers that are captured as part of the actual recording, such as date/time, GPS coordinates, labeling, etc.

Evidence Transfer Management (ETM): ETM is the transfer of media from the BWC to a secured computer server or other reliable secured storage source. The method of ETM shall be approved by the Chief of Police.

IV. PROCEDURE

A. Beginning of the shift procedures

1. Issued body-worn cameras shall be worn and used by all patrol officers and patrol shift supervisors while in the performance of their scheduled duties. Shift supervisors, at their discretion, may assign the wearing and use of a body-worn camera to any officer on their shift.
2. Issued body-worn cameras shall be operated in accordance with the manufacturer's recommended guidelines.

3. Issued body-worn cameras shall be operated in accordance with Department policy and procedure, rules and regulations, directives, memos, and training.
4. Prior to the beginning of each shift, the police officer issued a body-worn camera shall test and perform an inspection to ensure that the BWC has a properly charged battery and is functioning correctly.
5. Any malfunctions, damage, loss or theft of any issued BWC or any part of the system shall be immediately reported by the police officer to the on-duty shift supervisor. The Police Officer should be immediately provided a replacement BWC, if practicable. The shift supervisor shall report any BWC and/or system issues to the Patrol Lieutenant.

B. Use and activation of an issued or approved body-worn camera

1. Police officers issued a BWC shall wear it attached to the outermost garment and shall position it above the midline of the torso when in use.
2. Police officers issued a BWC shall activate recording at the beginning of their “interaction with the public in a law enforcement capacity”.
3. For the purposes of this policy, "interaction with the public in a law enforcement capacity," means that a police officer is in personal contact with one or more members of the public, the purpose of which is to conduct a self-initiated investigation into, or to respond to a third-party complaint involving, the possible commission of any offense, violation or infraction.
4. In addition, police officers issued a BWC shall record the following:
 - a. Vehicular pursuits;
 - b. Motorist assists;
 - c. The reading of rights, where applicable, and the taking of statements from suspects, witnesses and victims;
 - d. The reading of rights, where applicable, and the conducting of interviews with suspects, witnesses and victims;
 - e. Transportation and processing of prisoners;
 - f. Any incident or event not otherwise prohibited by this policy, which may be dangerous, unpredictable, or potentially useful for department training purposes;
 - g. Situations where a police officer, by reason of training and experience, determines that the incident should be documented on video.

Note: At no time shall police officers disregard officer safety or the safety of the public for the purpose of activating or utilizing the body-worn camera.

5. Once the body-worn camera is activated for the purpose of documenting an interaction with the public in a law enforcement capacity, it should remain activated until the interaction with the public has concluded to ensure the integrity of the recording, except as otherwise provided for by law or by this policy.
6. Additional/back up police officers arriving on a scene that have been issued a BWC shall also record the interaction with the public, and shall also continue to record until the completion of the incident.
 - a. For purposes of this policy, conclusion of an interaction with the public occurs when a police officer terminates his/her law enforcement contact with a member of the public.

C. When an issued body-worn camera is not to be activated or should be deactivated

1. Except as otherwise required by this policy, no police officer shall use body-worn recording equipment to intentionally record:
 - a. Communications with other law enforcement agency personnel, except in the performance of duty;
 - b. An encounter with an undercover officer or informant;
 - c. When an officer is on break or is otherwise engaged in a personal activity;
 - d. Any person undergoing a medical or psychological evaluation, procedure or treatment, unless officer safety necessitates the activation;
 - e. Any person *other than a suspect* to a crime if an officer is wearing their BWC in a hospital, medical facility, or a mental health facility, unless responding to a call involving a suspect to a crime who is thought to be present in the facility;
 - f. Any private conversation to which the officer is not a party, or any telephonic conversation unless specifically authorized by law while in the performance of their official duties.
2. Deactivation of a body-worn camera under certain circumstances:
 - a. Police officers may consider requests to deactivate their BWC should they determine that, based upon the circumstances; the investigation could be significantly hampered if the recording were to continue. Whenever possible, police officers should consult with supervisors before making the decision to deactivate their BWC.

- b. Whenever possible, a police officer who deactivates their BWC during the course of an incident in which this policy otherwise requires recording, shall both record on the camera the reason for the interruption or termination of recording prior to deactivating the BWC, and document such event in his/her report.

D. Malfunction of Body-Worn Camera

1. If any malfunctioning or unintentional failure to record in accordance with this policy occurs, the police officer shall notify the on-duty shift supervisor as soon as practicable and shall document the reasons for the lack of recording. Such documentation shall be in a manner determined by the Chief of Police.

E. End of Shift Procedures

1. Officers shall return their issued body-worn camera to the docking station at the end of their shift and at any point when they are directed to by their supervisor. Officers shall ensure that all data files are downloaded to the server and that the BWC is charged and ready to record for their next shift.
2. Officers shall cause the recorded video to be stored, downloaded, transferred or otherwise saved and labeled or cataloged as evidence in the following circumstances:
 - a. Any incident where an arrest is made or may be made, and/or a search is being conducted;
 - b. Any event that captures an officer's reportable use of force in the discharge of their official duties;
 - c. Any interaction with the public where the officer determines that it would be prudent to retain the recording for longer than the minimum retention period set forth in this policy;
 - d. Any event that is a major motor vehicle or criminal incident involving death, serious injury, or catastrophic property damage.

V. TRAINING

No police officer shall use an issued BWC prior to being trained in accordance with statutes in the use of the equipment, and in the retention of data created by such equipment. Every police officer must receive training on the proper care and maintenance of the equipment at least annually.

Department issued BWCs shall not be used to record department training or officers assigned to training, to include ESU training and police canine training.

VI. RESPONSIBILITIES OF SUPERVISORY PERSONNEL

A. Chief of Police

1. The Chief of Police shall designate one or more department members to oversee and administer the storage and management of all digital multimedia video files generated by the use of issued body-worn cameras.
2. The Chief of Police may authorize additional BWC guidelines and training requirements not mandated by this policy, provided that it does not conflict with state or federal law or the provisions set forth in this policy.
3. The Chief of Police shall ensure the BWC data collection and storage is purged from the systems operation storage and/or software program in accordance with the State of Connecticut Library Records of Retention schedule and department policy.
4. The Chief of Police shall ensure that BWC video files that are subject to a preservation request or court order are appropriately catalogued and preserved.
5. The Chief of Police shall approve the method of evidence transfer management (ETM) from the body-worn camera to a secured storage server, cloud, website or other secured digital media storage system.

B. Supervisors

1. Supervisors shall ensure that police officers equipped with issued BWCs are using them in accordance with policy and procedures as defined herein.
2. Supervisors shall periodically inspect BWC equipment issued to police officers to ensure proper operability per testing protocols provided through training and manufacturer's recommendations.
3. Supervisors or other persons designated by the Chief of Police may periodically review issued BWC recordings of made in accordance with this policy as well as reports generated as a result of these incidents to:
 - a. Ensure BWC equipment is operating properly;
 - b. Ensure that police officers are utilizing the body-worn cameras appropriately and in accordance with policies and procedures; and
 - c. Identify areas in which additional training or policy guidance is required.
4. Supervisors shall ensure that all BWC video files are appropriately preserved in accordance with this policy.

VII. AUTHORIZED PERSONNEL ACCESS TO UPLOADED DMVF

- A. General access to digital multimedia video files (DMVF) shall be granted to authorized personnel only. Accessing, copying, or releasing any digital multimedia video files for other than official law enforcement purposes is strictly prohibited, except as otherwise required by state and federal statutes, policies and procedures.
1. The Chief of Police or his/her designee may review specific body-worn camera digital multimedia video files for the purpose of training, performance review, critique, early intervention inquiries, civil claims, administrative inquiry, or other articulable reason.
 2. A police officer may review a recording from his/her BWC in order to assist such officer with the preparation of a report or otherwise in the performance of his/her duties.
 3. If a police officer is giving a formal statement about the use of force, or if an officer is the subject of a disciplinary investigation in which a recording from body-worn recording equipment is being considered as part of a review of an incident, the police officer shall have the right to review such recording in the presence of the officer's attorney or labor representative. Further, such police officer shall have the right to review recordings from other police officers' body-worn recording equipment capturing the police officers' image or voice during the incident under review.
- B. Under no circumstances shall any individual with access to BWC media or data files be allowed to use, show, reproduce or release recordings for the purpose of ridicule or embarrassment of any police officer or individual, or for other non-law enforcement related purposes. This includes disclosure of any portion of a body-worn camera video file to a media organization unless such disclosure has been approved by the Chief of Police or his/her designee.
- C. Digital multimedia video files may be reviewed by individuals other than the recording police officer in any of the following situations:
1. By a Department member investigating or adjudicating a complaint regarding specific actions of an officer;
 2. By technical support staff for purposes of assessing proper functioning of body cameras;
 3. By the Internal Affairs Unit or other Unit or person(s) designated by the Chief of Police, when participating in an official misconduct investigation concerning a specific act or officer conduct alleged in a complaint of misconduct;
 4. By a sworn law enforcement officer who is participating in a criminal investigation;
 5. By the Municipality's legal representative;
 6. Law enforcement personnel may review a recording from their own issued or assigned body-worn recording equipment in order to assist such officer in providing a statement as

a witness to events which are the subject of a department internal administrative inquiry, including officer shooting investigations;

7. By representatives of the Division of Criminal Justice, Municipal Attorneys, Office of the Attorney General, retained counsel and other representatives authorized by the municipality, such as municipal insurance carriers, in the course of their official duties;
7. Executive Board members of the Nutmeg Independent Public Safety Employee's Union, the representing union for the Newtown Police Department, when representing an officer for alleged violations provided they make a formal request for a copy of the BWC video to the Office of the Chief of Police.
8. By other department personnel as authorized by the Chief of Police or his/her designee.

VIII. STORAGE AND RETENTION

- A. Digital multimedia video files shall be maintained in an approved storage location, such as a server, storage device, cloud storage, website or other approved secure storage media, authorized by the Chief of Police.
- B. All digital multimedia video files shall be securely stored in accordance with state record retention laws and Department policy.
 1. Digital multimedia video files not reproduced for evidentiary purposes or otherwise required to be preserved in accordance with this policy shall be maintained for a period of a minimum of ninety (90) days.
 2. Digital multimedia video files shall be preserved while a case remains open and under investigation, or while criminal or civil proceedings are ongoing or reasonably anticipated, or in accordance with the State Records of Retention Schedule, whichever is greater.
 3. All other digital multimedia video files reproduced for evidentiary purposes or otherwise caused to be preserved shall be maintained for a minimum of four (4) years.
 4. Digital multimedia video files shall be preserved in accordance with any specific request by representatives of the Division of Criminal Justice, Municipal Attorney, Officer of the Attorney General, retained counsel and other authorized claims representatives in the course of their official duties.
 5. Digital multimedia video files shall be preserved in response to oral, electronic or written preservation requests from any member of the public where such requests indicate that litigation may be reasonably anticipated. All such preservation requests shall promptly be brought to the attention of the recipient's supervisor and the Municipal Attorney's office.

IX. RELEASING OR DUPLICATING BODY-WORN CAMERA RECORDINGS

A. Releasing Digital Multimedia Files

1. All Freedom of Information Act (FOIA) requests for body-worn camera digital multimedia video files shall be processed through the office of the Chief of Police or his designee, in accordance with current Connecticut FOIA statutory requirements.
2. Any officer(s) who appears in a BWC video that is being released will be notified of the release. The exception to this will be BWC video that is released to the Superior Court in Danbury and/or any other court relative to the video being used as evidence in an incident that the officer is investigating.

B. Duplicating Digital Multimedia Files

1. When police officer is required to produce a digital multimedia video file pursuant to a subpoena or other court order, the Chief of Police or other designee shall arrange, prior to the date of the court appearance, for a copy of the required portion of the original video file to be duplicated.
2. The original video file, as well as any duplicate copy, shall be held as evidence in accordance with this policy, State statute and current court procedures.